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Counsel for Defendants Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, Kimberly Yvette Smith, M.D., a/k/a Kimberly Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Rhaul Shah, M.D., John Catalano, M.D., Richard C. DiVerniero, M.D., and Richard Strauss, M.D.

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

ALL CASES

MDL No. 2419

Docket No. 1:13-md-2419 (RWZ)

**NOTICE OF FILING OF PREMIER'S OBJECTIONS TO THE PSC'S CROSS-
EXAMINATION QUESTIONS FOR EACH DEPOSITION BY WRITTEN QUESTION
NOTICED BY PREMIER**

Pursuant to Fed. R. Civ. P. 32(d)(3)(C), Premier Orthopedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopedic Associates, Premier Orthopedic Associates Surgical Center, LLC, Kimberly Yvette Smith-Martin, M.D., Thomas Dwyer, M.D., Rahul Shah, M.D., Dr. Richard C. DiVerniero, M.D. (Hereinafter "The Premier Defendants" or "Premier") give notice to the Court and to all parties of the filing of the following:

1. Premier's Objections to the PSC's Rule 31 Cross-Examination Questions for the Deposition by Written Question of Central Jersey Orthopedics Specialists, PC¹;
2. Premier's Objections to the PSC's Rule 31 Cross-Examination Questions for the Deposition by Written Question of Montclair Orthopedic Group²;
3. Premier's Objections to the PSC's Rule 31 Cross-Examination Questions for the Deposition by Written Question of New Jersey Spine & Sports Medicine³;
4. Premier's Objections to the PSC's Rule 31 Cross-Examination Questions for the Deposition by Written Question of Ross Center for Orthopedics⁴;
5. Premier's Objections to the PSC's Rule 31 Cross-Examination Questions for the Deposition by Written Question of Vanderbilt Medical Group Clinic Pharmacy⁵;
6. Premier's Objections to the PSC's Rule 31 Cross-Examination Questions for the Deposition by Written Question of Summit Surgery Center⁶;
7. Premier's Objections to the PSC's Rule 31 Cross-Examination Questions for the Deposition by Written Question of The Emory Clinic Ambulatory Surgery Center⁷;
8. Premier's Objections to the PSC's Rule 31 Cross-Examination Questions for the Deposition by Written Questions of University of Tennessee Medical Center.⁸

Under Rule 32(d)(3)(C), "[a]n objection to the form of a written question under Rule 31 is waived if not served in writing on the party submitting the question within the time for serving responsive questions." Fed. R. Civ. P. 32(d)(3)(C). Pursuant to Rule 31(a)(5), the time period for submitting re-direct questions is seven days following submission of cross examination questions. Fed. R. Civ. P. 31(a)(5). Accordingly, the Premier Defendants have seven days from submission of the PSC's cross-examination questions to serve their objections in writing on the PSC. The Premier Defendants received the PSC's cross-examination questions via e-mail link to an online drop-box on February 2, 2016. By operation of the Court's ECF system, the Premier

¹ Exhibit 1.

² Exhibit 2.

³ Exhibit 3.

⁴ Exhibit 4.

⁵ Exhibit 5.

⁶ Exhibit 6.

⁷ Exhibit 7.

⁸ Exhibit 8.

Defendants consider their objections to the PSC's cross-examination questions appropriately served under Rule 32 as of the filing of this Notice of Filing and associated exhibits, which include Premier's objections as listed above.

Respectfully submitted,

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/s/ Christopher M. Wolk
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CERTIFICATION

I certify that in submitting this *NOTICE OF FILING*, I caused a copy of the above to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's System, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: February 8, 2016

/s/ Christopher M. Wolk
Christopher M. Wolk, Esq.